

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TODD J. HANDY,

Defendant.

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CASE NO. 8:05CR333

ORDER

This matter is before the Court on the Defendant's motion to compel the government to file a motion pursuant to Federal Rule Criminal Procedure 35 (Filing No. 73).

Among other language in the plea agreement, the Defendant agreed in signing the agreement that the United States Attorney would determine the value of any information provided and decide whether to file a Rule 35 motion in his "sole discretion." (Filing No. 28, ¶ 5.) That language is supported by Rule 35.

IT IS ORDERED that the Defendant's motion to compel the government to file a motion pursuant to Federal Rule Criminal Procedure 35 (Filing No. 73) is denied.

DATED this 1st day of February, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge